

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-12 are pending, Claims 1, 6 and 11 having been amended by way of the present amendment.

In the outstanding Office Action Claims 1, 3-6, and 8-11 were rejected as being unpatentable over Purnadi et al. (U.S. Patent No. 6,201,971, hereinafter Purnadi) in view of Snell et al. (U.S. Patent No. 6,141,534, hereinafter Snell); and Claims 2, 7 and 12 were rejected as being unpatentable over Purnadi in view of Snell and in further view of Briere et al. (U.S. Patent No. 6,212,386, hereinafter Briere).

As a preliminary matter, Applicants have amended the specification to correct a few informalities. It is believed that these amendments do not raise an issue of new matter and therefore are not objectionable.

Also, Applicants request the courtesy of the examiner initialing the 1449 forms from the Information Disclosure Statements filed on June 18, 2003, September 15, 2003, and November 12, 2003. Moreover, the Applicants respectfully request that these Information Disclosure Statements be acknowledged.

Amended Claim 1 is directed to a method for allocating radio resources to radio terminals or communication connections in a radio communication system in which different communication qualities are required. The method includes a step of retrieving a first group including radio terminals or communication connections in which communication qualities are degraded more than required communication qualities, and a second group including radio terminals or connections in which qualities are more favorable than required communication qualities. The method includes a second step of allocating the radio resource to the radio terminals or connections in the first group, with higher priority than the radio terminals or communication connections in the second group based on a priority order for

allocating the radio resource to the radio terminals or communication connections in the first group.

Consequently, an advantage offered by the invention of Claim 1, is that radio resources are allocated to the radio terminals or communication connections in the first group with higher priority than the radio terminals or communication connections in the second group based on a priority order. Therefore, radio terminals or communication connections in the first group can acquire the resources based on the priority order in the first group, before the second group is considered, so as to allocate resources based on system needs, and not necessarily on performance. Moreover, the first group may receive the resources before the second group even if adequately supported, and the second group has lower communication service quality than the first group (see lines 6-14 of page 12 of the present specification). This approach is contrary to the conventional technique, where the resources are allocated to the second group before the first group (see e.g., lines 23-30 of page 12). Moreover, the conventional technique is to allocate the resources to those terminals having the lower communication qualities, and do not include a concept of providing a priority to a first group.

In contrast, Purnadi describes that a priority is set for each service and quality of service levels (QoS). Services having a lower priority are degraded so that resources are allocated to services having a higher priority when the services having the higher priorities require more services (see, e.g., column 9, lines 39-58). Accordingly, Purnadi does not describe the retrieving step of Claim 1 not recognize the feature added to the allocating step.

The outstanding Office Action asserts that Purnadi differs from the claim by not specifically teaching a first allocating part allocating the radio resource to the radio terminals or communication connections in the first group with higher priority than the radio terminals or communication connections in the second group. While this may be true, it is only one of a few aspects that is different than amended Claim 1, as discussed above. The outstanding

Office Action attempts to cure this deficiency in Purnadi by asserting Snell for its alleged description of teaching a first allocation part... (citing Figure 4a and 4b, column 9, lines 17-21). However, Snell merely discloses an allocation of resources to cells in accordance with a priority order where the “downlink signal” of the cells is degraded (see e.g., column 9, lines 13-20). Thus, Snell does not disclose the claimed allocating step of Claim 1. As the combination of Purnadi in view of Snell does not disclose all the elements of amended Claim 1, it is respectfully submitted that no matter how Snell and Purnadi are combined, the combination does not teach or suggest all the elements of amended Claim 1. As Claims 3-5 depend from Claim 1 it is respectfully submitted that these claims also patentably define over Purnadi in view of Snell. Although of differing statutory class, and or scope, it is respectfully submitted that Claims 6 and 8-11, as amended also patentably define over Purnadi in view of Snell.

With regard to Claims 2, 7 and 12, the outstanding Office Action further recognizes that Purnadi in view of Snell does not disclose the claims second retrieving part, and second allocating part, for example. In contrast, Briere merely describes selecting a radio transmitter that is available for operation according to column 44, lines 13-22. Therefore, Briere does not describe the step of retrieving the third group, as claimed. Therefore no matter how Briere is combined with Purnadi in view of Snell the combination does not teach or suggest all the elements of Claim 2. Likewise, Claims 7 and 12, although of differing statutory class, are also believed to patentably define over the prior art for substantially the same reasons as discussed above with regard to Claim 2. Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined

by Claims 1-12, as amended, is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.


Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

I:\ATTY\BDL\214418US-AM.DOC